

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE LANTUS DIRECT PURCHASER
ANTITRUST LITIGATION

Civil Action No. 16-12652-LTS-JGD

Class Action

JOINT SUBMISSION REGARDING CASE SCHEDULE

Pursuant to the Court’s March 4, 2022 Order (Dkt. No. 365) directing the parties to meet and confer and submit a proposed schedule for completion of the requested discovery in the event that either or both of (i) Defendants’ Motion for Extension of Time to April 4, 2022 or as soon as reasonably possible if the nonparties become unavailable to Take Three Nonparty Depositions (Dkt. No. 359) and (ii) Plaintiffs’ Motion to Compel Transactional Data (Dkt. No. 353) (collectively “the Discovery Motions”) are allowed, the parties, Defendants Sanofi-Aventis U.S., LLC, and Sanofi-Aventis Puerto Rico, Inc., (“Defendants”), and Direct Purchaser Plaintiffs Meijer, Inc., Meijer Distribution, Inc., and FWK Holdings, LLC, (“Plaintiffs”), jointly submit the attached Proposed Amended Scheduling Order.

The parties’ joint Proposed Amended Scheduling Order addresses not just the possible additional discovery requested in the Discovery Motions, but other features of the schedule that the parties believe should be adjusted at this time to account for anticipated events. First, the parties respectfully request that the deadline for Plaintiffs’ class certification motion be no earlier than four weeks after the Court rules on the Parties’ motions for summary judgment (Dkt. Nos. 308 & 311), which are set for hearing on April 6, 2022. Although the Court did not ask us to address the summary judgment motions in our scheduling proposals, the Court’s rulings on them will affect the parties’ arguments on class certification, and the parties believe that factoring the timing of those rulings into any changes made to the schedule now will conserve the Court’s and

the parties' future resources, rather than leaving that issue open and having to revisit the schedule again in another month. Second, the proposed schedule acknowledges that the parties will need time after the completion of the previously allowed depositions of the three German witnesses (*see* Dkt. No. 366) to prepare merits expert reports. Thus, the parties respectfully request that the deadline for opening merits experts reports be the later of one week after the deadline for Plaintiffs' class certification motion or four weeks after the completion of the depositions of the German witnesses.

Finally, Defendants have informed Plaintiffs, and the parties hereby inform the Court, that (1) Defendants have withdrawn their deposition subpoena to Lilly, and (2) Mylan's counsel has authorized Defendants to represent confidently that Mylan would appear for a deposition, if the Court allows it, and that March 31, 2022 appears to be a viable date for Mylan's deposition.

Respectfully Submitted,

Dated: March 14, 2022

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CERTIFICATE OF SERVICE

I, Theresa C. Martin, hereby certify that a true copy of the foregoing document filed through the ECF system will be electronically sent to the registered participants as identified on the Notice of Electronic Filing on March 14, 2022.

/s/ Theresa C. Martin

Theresa C. Martin